

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ELENA MIHAILESCU,
Plaintiff,

v.

MARYVILLE NURSING HOME, a non-
profit Oregon organization, and SISTERS OF
ST. MARY OF OREGON MARYVILLE
CORPORATION, and Oregon corporation,

Defendants.

No. CV 06-1187-HU

OPINION & ORDER

MOSMAN, J.,

On August 24, 2007, Magistrate Judge Hubel issued Findings and Recommendation ("F&R") (#57) in the above-captioned case recommending Defendants' Motion for Summary Judgment (#20) be granted and Defendants' Motion to Strike (#45) be denied as moot. Defendants filed timely objections (#58).

In conducting my review of the F&R, I apply the following standard. The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is required to make a *de novo* determination of

those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Hubel's recommendation, and I ADOPT the F&R as my own opinion. Accordingly, Defendants' Motion for Summary Judgment (#20) is GRANTED and Defendants' Motion to Strike (#45) is DENIED.

IT IS SO ORDERED.

DATED this 3rd day of December, 2007.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court